

REMARKS

The Office Action mailed May 14, 2007 has been reviewed and carefully considered. No new matter has been added.

Claims 1, 10, and 11 have been amended. Claims 1-17 are pending.

Claim 11 has been objected to. Claim 11 has been amended to no longer recite, inter alia, "(225)". Withdrawal of the objection is respectfully requested.

Claims 1, 4, 10, and 12-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,313,465 to Perlman et al. (hereinafter "Perlman"). Claim 11 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2003/0058894 to Feuerstraeter et al. (hereinafter "Feuerstraeter"). Claims 2-3, 5-9, and 14-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of Feuerstraeter.

It is respectfully asserted herein that Claims 1, 11, and 12, and all of the claims that depend there from, are patentable and non-obvious over the cited references for at least two reasons as set forth herein. First, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest all of the recited limitations of Claims 1, 11, and 12. Second, it is respectfully asserted that even assuming arguendo that all of the recited limitations are taught, the rejection must be withdrawn because the invention recited in Claims 1, 11, and 12 would change the principle of operation of any of Perlman and Feuerstraeter, which is a prohibition against a reference being used against a pending claim as provided in MPEP §2143.01.

It is respectfully asserted that none of the cited references teach or suggest "implementing said mapping assignments, responsive to associating said mapping assignments, to configure said physical port for coupling to said network, wherein said implementing step selectively controls whether said physical port is coupled to the LAN interface or the WAN interface", as recited in Claim 1.

Moreover, it is respectfully asserted that none of the cited references teach or suggest "means for implementing said mapping assignments, responsive to associating said mapping assignments, to configure said physical port for coupling to said network, wherein said implementing means selectively controls whether said physical port is coupled to the LAN interface or the WAN interface", as recited in Claim 11.

Further, it is respectfully asserted that none of the cited references teach or suggest "wherein said WAN/LAN port manager selectively controls whether each of said plurality of

physical ports is coupled to said LAN interface or said WAN interface responsive to a configuration message”, as recited in Claim 12.

In contrast to the preceding limitations, Perlman discloses a “[m]ethod off merging networks across a common backbone network” (Perlman, Title).

Moreover, Perlman discloses the following at column 2, lines 61-66:

The procedures for configuring routers are well-known to those skilled in the art. The steps taken to configure routers are not an essential feature of the present invention. Novel aspects of the invention do, however, reside in the activities that the routers are configured to perform.

Further, Perlman discloses the following at column 3, lines 10-13:

The present invention involves logically expanding the address space for the protocol X networks by adding additional address information, identified as domain information, to the XIS router. The domain information is determined by a system administrator to identify specific protocol X destinations that are able communicate with each other.

Accordingly, it is respectfully asserted that the router(s) in Perlman is already essentially configured, but the definition of what destinations are comprised within a particular network/domain to which the router is already configured to operate with is changed. That is, destinations are grouped together based on the desirability and necessity of communication among the various destinations, in order to merge two or more networks together (Perlman, col. 1, lines 53-59).

Thus, Perlman makes no mention of configuring port types (e.g., LAN versus WAN, secure versus non-secure) involving coupling a particular port to a particular type of interface as essentially recited in Claims 1, 11, and 12. This is not surprising, as the ports have already been configured for a particular type of network (to which the router is already connected), but the destinations for the particular network are simply changed/expanded to merge together two or more separate networks.

For example, consider the following example disclosed at column 3, lines 26-47 of Perlman:

As an example, assume that it is desirable for a protocol X destination D1 in area M to communicate with another protocol X destination D2 in area N. Further assume that it is desired to allow communication between a protocol X destination D3 in area O and another protocol X destination D4 in area P, but that it is undesirable (or not beneficial) to allow communication between the set of destinations consisting of D1 and D2 and the set of destinations consisting of D3 and D4. In this circumstance, a useful solution would be to assign destinations D1 and D2 to domain one and destinations D3 and D4 to domain two. The network addresses of destinations D3 and D4 may be expressed as logical addresses D3, domain two, and D4, domain two. As will be fully described hereinafter, the routers associated with D1 and D2 are configured with filtering information to indicate that only communication between destinations in domain one is supported. Likewise, the routers associated with D3 and D4 are configured with filtering information to indicate that only communication between domain two destinations is supported by these routers.

As is clear from the preceding, that destinations are simply added to one or more domains and such destination “re-configuring/re-assignment” is not disclosed to involve coupling a particular port to a particular type of interface as essentially recited in Claims 1, 11, and 12.

Accordingly, Perlman does not teach or suggest all the above-recited limitations of Claims 1, 11, and 12.

Further, while not cited against Claims 1, 11, and 12, it is respectfully asserted that Feuerstraeter does not cure the deficiencies of Perlman, and is silent with respect to the above-recited limitations of Claims 1, 11, and 12.

For example, while Feuerstraeter is directed to a “method and apparatus for autosensing LAN vs WAN to determine port type” (Feuerstraeter, Title), Feuerstraeter uses a data rate detection unit to sample a data rate from an incoming signal to determine whether

the incoming signal has a “WAN data rate” and hence, is to be coupled to a WAN port or whether the incoming signal has a “LAN data rate” and, hence, is to be coupled to a LAN port. Thus, Feuerstraeter does not disclose or even NEED to use a configuration message. That is, Feuerstraeter does not disclose or even NEED the step of/means for receiving a message to configure said physical port for use with said network as recited in Claims 1 and 11, nor does Feuerstraeter disclose or even NEED a WAN/LAN port manager for controlling whether each of said plurality of physical ports is coupled to said LAN interface or said WAN interface responsive to a configuration message as recited in Claim 12.

The receipt of the message is part of a set of hierarchical limitations formed in Claims 1 and 10, wherein the set of mapping assignments are associated responsive to receiving the message, and further wherein the mapping assignments are implemented responsive to associating the mapping assignments.

Returning to the second assertion, the following text of MPEP §2143.01 is provided:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” 270 F.2d at 813, 123 USPQ at 352.).

Thus, in Perlman, the principle of operation involves the use of administrator provided domain information (Perlman, col. 3, lines 13-16) to re-assign network destinations

to merge two or more networks. Such information must be provided by a user/administrator, as a person and not a machine must make the determination in Perlman of which destinations are to be added to a particular network.

In contrast, the principle of operation of Feuerstraeter involves the use of a machine, namely a data rate detection unit to “detect[] the port type of a remote device” (see Feuerstraeter, Abstract).

Thus, Perlman uses a person (administrator) to determine the information required to merge networks including which destinations to “re-assign”, while Feuerstraeter uses a machine (data rate detection unit) to determine the information required to detect a port type of a remote device.

Thus, modifying any of Perlman and/or Feuerstraeter would effectively change the principle or operation of the same, which is prohibited under MPEP §2143.01.

Accordingly, neither Perlman nor Feuerstraeter, either taken singly or in combination, teach or suggest all of the limitations of Claims 1, 10, and 11.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, Claims 1, 10, and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-9, 12, 14, and 16 depend from Claim 1 and thus include all the limitations of Claim 1. Claims 13, 15, and 17 depend from Claim 10 and thus include all the limitations of Claim 10. Accordingly, Claims 2-9, 12, 14, and 16 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, and Claims 13, 15, and 17 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 10.

Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest “wherein said network is a Local Area Network (LAN) prior to said step of implementing and is a Wide Area Network (WAN) after said step of implementing”, as recited in Claim 5. In support of his rejection of Claim 5, the Examiner cited paragraph [0035] of Feuerstraeter, which simply discloses that “various embodiments of the present invention deal primarily with the different port types (e.g., LAN or WAN) found at the physical layer 202”. However, Claim 5 is essentially recited that a conversion has taken place in that the network previously connected to the physical port prior to configuring per said implementing step is a LAN while subsequent to configuring per said implementing step is a WAN. In contrast, the cited portion of Feuerstraeter does not disclose or even remotely imply such conversion, but rather simply suggest different port types THAT MAY BE FOUND AT THE PHYSICAL LAYER. Accordingly, Feuerstraeter does NOT disclose the above-recited limitations of Claim 5.

Moreover, it is respectfully asserted that none of the cited references teach or suggest “wherein said message is created after detecting at least one hardware switch setting change”, as recited in Claim 8. The Examiner has cited paragraph [0035] of Feuerstraeter as disclosing the same. However, the hardware means disclosed in the cited section relates to “hardware means of sending and receiving data on a carrier, including defining cables, cards, and physical aspects”, and there is no mention in any portion of Feuerstraeter that a message to reconfigure a port is created after detecting at least one hardware switch setting change. For example, a hardware switch is not even recited with respect to the physical layer 202 to which the hardware means applies as per paragraph [0035] of Feuerstraeter. Accordingly, Feuerstraeter does NOT disclose the above-recited limitations of Claim 8.

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of May 14, 2007 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

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No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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